

1981 WL 158016 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 19, 1981

*1 Mr. William Myrick, Jr.
Ulmer City Attorney
Post Office Box 555.
Ulmer, South Carolina 29849

Dear Mr. Myrick:

This letter is to confirm our telephone conversation of this date. You have informed me that your son is a candidate for a municipal office in an election to be held on October 27, 1981. You have further informed me that he has recently moved into the town and registered to vote on Monday, September 28, 1981. You have inquired if he would meet the thirty (30) day registration requirement as he registered on the first available day in that the registration board was closed on Saturday and Sunday.

South Carolina Code of Laws, 1976, Section 7-5-150 provides in part that [t]he registration books shall be closed thirty days before each election . . . and shall remain closed until such election shall have taken place . . .

If your son registered on September 28, he will have been registered twenty-nine (29) days on the day of the election which is one day short of the required thirty. The fact that he registered on the first available workday would have no bearing on this question. See in general South Carolina Code of Laws, 1976, as amended, Section 15-1-20; and the enclosed prior opinions of this office.

Additionally, a candidate must be qualified as of the time of the general election. I understand the October 27 election date to be a general election and not a primary; if so, then he would not be qualified as of that date. 1959-60 Att'y Gen. Ops. 159; 1964 Att'y Gen. Ops. 257; 1968 Att'y Gen. Ops. 101, 177.

You have also stated that there is some question in regard to whether or not sufficient notice was given of this municipal election. South Carolina Code of Laws, 1976, as amended, Section 5-15-50 requires a sixty (60) day notice to be given prior to a municipality holding an election. See also South Carolina Code of Laws, 1976, Section 7-13-35.

Sincerely,

Trava G. Ashworth
Senior Assistant Attorney General

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